

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GENE COGGINS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 3:07-cv-00402-MEF-TFM
)	
CITY OF JACKSON'S GAP AND)	
JACKSON'S GAP, POLICE)	
DEPARTMENT)	
)	
Defendants.)	

REQUEST FOR INSTRUCTION

COME NOW the Defendants, sued as City of Jackson's Gap and Jackson's Gap, Police Department and herewith show unto the Court the following:

According to the Court's Order of June 28, 2007, Plaintiff's Motion to Proceed in Forma Pauperis was granted and the Clerk was directed to lift the general stay on the lawsuit. However, it was further ordered by the Court that service of the Complaint was "hereby stayed". As such, there has been no service through the Court of the Complaint in this matter on the above identified Defendants. However, apparently, Plaintiff mailed to the Town a copy of the Complaint which was received on or about June 14, 2007. The above named Defendants assume since the Court has maintained the stay on service of the Complaint, that no answer is required on their behalf at this time. However, Defendants do not wish to get into a default situation and want to be certain they are not required to file a response to the Complaint mailed apparently by Plaintiff

himself. These Defendants respectfully request the Court to instruct the Defendants whether they should file a response at this juncture or wait until the Court has allowed the Complaint to be served.

/s/ *Randall Morgan*
RANDALL MORGAN [MOR037]
Attorney for Defendant Town of Jackson's
Gap

OF COUNSEL:
Hill, Hill, Carter, Franco, Cole & Black, P.C.
P.O. Box 116
425 South Perry Street
Montgomery, Alabama 36104
334-834-7600 - Telephone
334-263-5969 - Facsimile

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served by placing a copy of same in the U.S. mail, properly addressed and first class postage prepaid this the 9th day of July, 2007, upon the following:

Gene Coggins
1436 County Road 299
Lanett, AL 36863

/s/ *Randall Morgan*
OF COUNSEL